

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ALFREDO ALVAREZ, *parent of J.A., a minor*  
*child,*

Plaintiff,

v.

TEXAS EDUCATION AGENCY,

Defendant.

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1:19-CV-921-RP

**AMENDED ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Texas Education Agency’s (“TEA”) motion to dismiss, (Dkt. 18). (R. & R., Dkt. 29). In her report and recommendation, Judge Hightower recommends that the Court deny the motion. (*Id.* at 14). TEA timely filed objections to the report and recommendation, (Objs., Dkt. 31), and an appendix to its objections, (Dkt. 32). This amended order clarifies that the Court adopted all of Judge Hightower’s recommendations as set out below.

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because TEA timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules TEA’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 29), is **ADOPTED**.

Accordingly, **IT IS ORDERED** that TEA's motion to dismiss, (Dkt. 18), is **GRANTED IN PART** and **DENIED IN PART**. Plaintiffs' claims under 42 U.S.C. § 1983 are **DISMISSED**. Plaintiffs' remaining claims survive TEA's motion to dismiss.

**SIGNED** on November 18, 2020.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE